

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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CAROL D. FABER and
the ESTATE of RUSSELL E. YOUNG,
by and through its duly-appointed
ADMINISTRATOR, TONIA M. RAY,
individually and on behalf of all
others similarly situated,

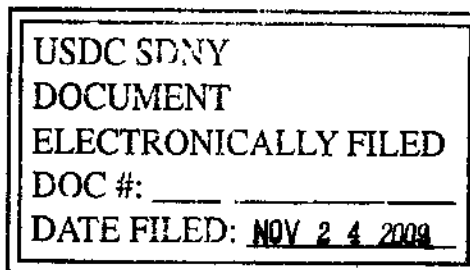
Plaintiffs,

vs.

CIV. NO. 08 CIV 10588 (HB)

METROPOLITAN LIFE INSURANCE
COMPANY,


Defendant
-----X



NOTICE OF APPEAL

NOTICE is hereby given that Plaintiffs Carol D. Faber and the Estate of Russell E. Young, individually and on behalf of all others similarly situated ("Plaintiffs"), hereby appeal to the United States Court of Appeals for the Second Circuit from the Judgment entered on October 28, 2009 (copy attached as Exhibit 1), entering judgment in favor of Defendant Metropolitan Life Insurance Company ("Defendant") for the reasons set forth in the Opinion and Order dated October 23, 2009 (copy attached as Exhibit 2), granting Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint.

Dated: November 23, 2009.



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CERTIFICATE OF SERVICE

I certify I served a true and correct copy of the foregoing **PLAINTIFFS' NOTICE OF APPEAL** upon opposing counsel on this the 23rd day of November, 2009, via overnight delivery addressed as follows:

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